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**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

JIMMY COLSON, an individual;

Plaintiff,

v.

BULOW HOLDINGS, LLC, a Delaware  
limited liability company; and, OSSUR  
AMERICAS, INC., a California corporation;

Defendants.

CASE NO.: 2:22-cv-1950-APG-BNW

**JOINT STATUS REPORT AND  
STIPULATION AND ORDER TO  
CONTINUE STAY OF ALL  
PROCEEDINGS**

**(SECOND REQUEST)<sup>1</sup>**

Pursuant to the Court's prior Order to Continue Stay All Proceedings [ECF No. 12] dated February 8, 2023, which directed the parties to submit a joint status report by March 31, 2023, Plaintiff Jimmy Colson ("Plaintiff") and Defendants Bulow Holdings, LLC and Ossur Americas, Inc. ("Defendants") (collectively the "Parties"), by and through their undersigned counsel, hereby state the following:

**PROCEDURAL BACKGROUND**

1. On October 20, 2022, Plaintiff commenced this action in the Eighth Judicial District Court for Clark County, Nevada against Defendants.

<sup>1</sup> The Parties previously submitted a Joint Status Report and Stipulation and Proposed Order to Continue Stay of All Proceedings [ECF Nos. 10 and 11], which was adopted by the Court in its Order to Continue Stay of All Proceedings [ECF No. 12] on February 8, 2023. This is the second request to continue the stay of these proceedings pending the outcome of the Parties' continuing mediation.

1           2.       On November 18, 2022, Defendants removed the action to this Court.

2           3.       On November 28, 2022, the Parties filed a Stipulation and [Proposed] Order  
3 Extending Time for Defendants to File and Serve Their Answer or Other Response to the  
4 Complaint [ECF No. 5], which was adopted and granted by the Court in its subsequent Order [ECF  
5 No. 6] of November 29, 2022.

6           4.       On December 8, 2022, the Parties submitted a Stipulation and [Proposed] Order to  
7 Stay All Proceedings [ECF No. 8] pending the scheduling and outcome of a planned mediation  
8 between the Parties.

9           5.       On December 9, 2022, the Court adopted the stipulation and issued its Order to  
10 Stay All Proceedings [ECF No. 9]. In its Order, the Court further directed that the Parties submit  
11 a joint status report within 60 days of the entry of the Order.

12           6.       On February 7, 2023, the Parties submitted a Joint Status Report and Stipulation  
13 and Proposed Order to Continue Stay of All Proceedings [ECF Nos. 10 and 11] based on the  
14 parties' mediation, which was scheduled for March 2, 2023. The Court adopted the stipulation  
15 and order in its Order to Continue Stay of All Proceedings [ECF No. 12] on February 8, 2023,  
16 which further directed that the parties submit a joint status report by March 31, 2023

17                               **STATUS OF PENDING MEDIATION**

18           Since the staying of these proceedings, the Parties attended a mediation on March 2, 2023  
19 at JAMS in Las Vegas before the Honorable Phillip M. Pro (Ret.). During the mediation  
20 conference, it was determined by the Parties and Judge Pro that the negotiations would benefit  
21 from the informal exchange between the Parties of additional underlying documents. In light of  
22 this determination, the parties and Judge Pro agreed to adjourn the mediation pending an exchange  
23 of additional documents.

24           The above-referenced exchange of documents is currently underway. In order to further  
25 facilitate the orderly exchange of materials, the Parties have entered into a framework by which  
26 they have agreed to exchange materials and complete their review of those materials by the middle  
27 of May 2023. Following the completion of this exchange and review period, the Parties have  
28 further agreed that they will then be able to elect to proceed with further alternative dispute

resolution (ADR), either by reconvening the mediation before Judge Pro or by arbitration.

In light of the above, the Parties respectfully wish to continue the stay of these proceedings pending the completion of the above-described exchange and ADR effort. While the Parties have not yet resolved their dispute with one another, the Parties are cooperating with one another and wish focus their resources towards the potential resolution of their dispute.

**STIPULATION**

IT IS HEREBY STIPULATED AND AGREED, by the parties, through undersigned counsel, pursuant to LR IA 6-1, 6-2, and LR 7-1, and subject to the approval of the Court, that:

1. All proceedings in this action remain stayed, including responses to the complaint, discovery, motion practice, and case management conferences, pending further order of the Court; and

2. The Parties shall file a joint status report by Friday June 30, 2023.

Dated this 24th day of March 2023

**IT IS SO AGREED AND STIPULATED**

SPENCER FANE LLP


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*Attorneys for Defendants Bulow Holdings,  
LLC and Ossur Americas, Inc.*

**IT IS SO ORDERED:**

  
UNITED STATES DISTRICT JUDGE

DATED: March 27, 2023